

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE DISPLAY SHOP, INC.,
a Michigan corporation,

Plaintiff,

Case No. 09-11300

v.

Hon. John Corbett O'Meara

VAUGHN ASSOCIATES, INC.,
a foreign corporation,

Defendant.

**ORDER DENYING DEFENDANT'S RENEWED
MOTION FOR RULE 11 SANCTIONS**

Before the court is Defendant's renewed motion for Rule 11 sanctions, filed September 9, 2010. Plaintiff filed a response on September 23, 2010. Defendant submitted a reply brief on September 30, 2010. The court did not hear oral argument.

Defendant contends that Plaintiff's claims have no basis in fact or law and never met the jurisdictional amount of more than \$75,000. The court presided over a bench trial in this matter on August 31, 2010. Upon its review of the evidence, the court is not persuaded that Plaintiff's claims were so lacking in factual or legal basis as to warrant sanctions. See Fed. R. Civ. P. 11; U.S. v. Marion L. Kincaid Trust, 463 F. Supp.2d 680, 697 (E.D. Mich. 2006) (standard for imposing sanctions is whether attorney's conduct was "reasonable under the circumstances"). Although Plaintiff did not prevail, the court would not characterize its claims as frivolous. Further, the court finds, as it did in its Findings of Fact and Conclusions of Law, that the jurisdictional amount was satisfied.

Accordingly, IT IS HEREBY ORDERED that Defendant's renewed motion for sanctions is DENIED.

s/John Corbett O'Meara
United States District Judge

Date: October 27, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, October 27, 2010, using the ECF system.

s/William Barkholz
Case Manager